

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 11-CR-20188

v.

HON. GEORGE CARAM STEEH

PHILLIP HARPER,

Defendant.

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ORDER TRANSFERRING MOTION (DOC. 323) TO  
THE COURT OF APPEALS FOR THE SIXTH CIRCUIT

Petitioner Phillip Harper filed a successive motion pursuant to 28 U.S.C. § 2255 based upon a constitutional claim and claims of ineffective assistance of counsel. To file a successive § 2255 petition, Petitioner must seek authorization from the court of appeals: “[b]efore a second or successive application permitted by this section is filed in the district court, the applicant shall move in the appropriate court of appeals for an order authorizing the district court to consider the application.” 28 U.S.C. § 2244(b)(3)(A).

Accordingly, the court will transfer Petitioner’s motion to the court of appeals. See *In re Sims*, 111 F.3d 45, 47 (6th Cir. 1997) (“[W]hen a second or successive petition for habeas corpus relief or § 2255 motion is

filed in the district court without § 2244(b)(3) authorization from this court, the district court shall transfer the document to this court pursuant to 28 U.S.C. § 1631.”).

IT IS HEREBY ORDERED that Petitioner’s motion (Doc. 323) is TRANSFERRED to the Court of Appeals for the Sixth Circuit pursuant to 28 U.S.C. § 1631.

Dated: May 1, 2019

s/George Caram Steeh  
GEORGE CARAM STEEH  
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on May 1, 2019, by electronic and/or ordinary mail and also on Phillip Harper, #45528-039, USP Terre Haute, U.S. Penitentiary, P.O. Box 33, Terre Haute, IN 47808

s/Barbara Radke  
Deputy Clerk